

SENATE BILL 447

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 71,
relative to eligibility of persons convicted of certain
offenses for certain assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-154(k)(2), is amended by
deleting the subdivision in its entirety and by substituting instead the following:

(2)

(A) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or before June 30, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for families first program benefits for such convictions, if such person, as determined by the department:

(i)

(a) Is currently participating in a substance abuse treatment program approved by the department of human services;

(b) Is currently enrolled in a substance abuse treatment program approved by the department of human services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(c) Has satisfactorily completed a substance abuse treatment program approved by the department of human services; or

(d) Is determined by a treatment provider licensed by the department of mental health not to need substance abuse treatment according to TennCare guidelines; and

(ii) Is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.

(B) Eligibility based upon the factors in subdivision (k)(2)(A) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors of program eligibility, including, specifically, being accountable for the requirements of the personal responsibility plan required by this part.

(C) Notwithstanding the provisions of subdivision (k)(2)(A) or (k)(2)(B) to the contrary, no person convicted of a Class A felony for violating a provision of title 39, chapter 17, part 4, shall be eligible for the exemptions provided by subdivision (k)(2)(A) or (k)(2)(B).

(D) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or after July 1, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall not be eligible for families first program benefits for a period of five (5) years from the date of conviction.

SECTION 2. Tennessee Code Annotated, Section 71-5-308(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b)

(1) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or before June 30, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall be exempt from the prohibition contained in 21 U.S.C. § 862a(a) against eligibility for food stamp program benefits for such convictions, if such person, as determined by the department:

(A)

(i) Is currently participating in a substance abuse treatment program approved by the department of human services;

(ii) Is currently enrolled in a substance abuse treatment program approved by the department of human services, but is subject to a waiting list to receive available treatment, and the individual remains enrolled in the treatment program and enters the treatment program at the first available opportunity;

(iii) Has satisfactorily completed a substance abuse treatment program approved by the department of human services; or

(iv) Is determined by a treatment provider licensed by the department of health, division of alcohol and drug abuse services, not to need substance abuse treatment according to TennCare guidelines; and

(B) Is complying with, or has already complied with, all obligations imposed by the criminal court, including any substance abuse treatment obligations.

(2) Eligibility based upon the factors in subdivision (b)(1) must be based upon documentary or other evidence satisfactory to the department, and the applicant must meet all other factors for program eligibility.

(3) Notwithstanding the provisions of subdivision (b)(1)(A) or (b)(1)(B) to the contrary, no person convicted of a Class A felony for violating a provision of title 39, chapter 17, part 4, shall be eligible for the exemptions provided by subdivision (b)(1) or (b)(2).

(4) Pursuant to the option granted the state by 21 U.S.C. § 862a(d), an individual convicted on or after July 1, 2011, under federal or state law of a felony involving possession, use or distribution of a controlled substance shall not be eligible for food stamp program benefits for a period of five (5) years from the date of conviction.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it.